



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 13 2016

MEMORANDUM

SUBJECT: Revision of Delegation of Authority 1-120, Cross-Media Electronic Reporting Regulation

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy".

TO: Ann E. Dunkin, Chief Information Officer
Office of Environmental Information

Regional Administrators

1-120. Cross-Media Electronic Reporting Regulation. (1200 TN 568)

1. AUTHORITY.

- a. To receive and act on applications from states, tribes and local governments to modify or revise their U. S. Environmental Protection Agency-authorized, -delegated or -approved programs submitted under the procedures in 40 CFR Sections 3.1000 (b) through (f), and to notify the applicants and the public of actions with respect to such applications.
- b. To determine whether changes to state, tribal or local government laws, policies or electronic-document-receiving systems have the potential to affect program compliance with 40 CFR Section 3.2000 and require the EPA's review and approval in accordance with 40 CFR Section 3.1000(a)(4).

2. TO WHOM DELEGATED.

The authorities specified in paragraph 1 are hereby delegated to the assistant administrator for the Office of Environmental Information, except to the extent that they include the authorities specified in 40 CFR Sections 3.1000(c)(3) and 3.1000(f) (revision or modification of an authorized water system), which are hereby delegated to the regional administrators consistent with delegation of authority 9-4. (see paragraph 5, below)

3. LIMITATIONS.

- a. The assistant administrator for OEI or her or his designee must consult the majority and any minority recommendations of the Cross Media Electronic Reporting Regulation Technical Review Committee, an agencywide advisory technical panel, in acting on applications under the authorities specified in paragraph 1.
- b. The assistant administrator for OEI or her or his designee must obtain concurrence from the assistant administrator for the Office of Enforcement and Compliance Assurance and the general counsel or their designees on actions to be taken on applications as specified in paragraph 1, with the following exceptions noted unless an opportunity is requested by the OECA Technical Review Committee representative or the OECA Cross-Media Electronic Reporting Regulation concurrer:
 1. All authorized program applications using off-the-shelf systems and determined by the Cross-Media Electronic Reporting Regulation Technical Review Committee not to need a Cross-Media Electronic Reporting Regulation system checklist;

2. All authorized program applications using off-the-shelf systems where the applicant has used the agency-provided Cross-Media Electronic Reporting Regulation system checklist template without modifications beyond a typical implementation for the system in question; or
3. All authorized program application modifications where the applicant is adding programs without significant technical or business process changes to the previously approved Cross-Media Electronic Reporting Regulation application.

OGC may waive the opportunity to concur or non-concur on any application.

- c. The assistant administrator for OEI or her or his designee must obtain concurrence from the regional administrators and assistant administrators or their designees for the Office of Air and Radiation, Office of Chemical Safety and Pollution Prevention, Office of Land and Emergency Management, Office of Water, and Office of Research and Development on actions to be taken on applications that address their programs or programs administered within their region, as specified in paragraph 1, with the following exceptions noted unless an opportunity is requested by the program office or regional Technical Review Committee representative or their respective Cross-Media Electronic Reporting Regulation concurrens:
 1. All authorized program applications using off-the-shelf systems and determined by the Cross-Media Electronic Reporting Regulation Technical Review Committee not to need a Cross-Media Electronic Reporting Regulation system checklist;
 2. All authorized program applications using off-the-shelf systems where the applicant has used the agency-provided Cross-Media Electronic Reporting Regulation system checklist template without modifications beyond a typical implementation for the system in question; or
 3. All authorized program application modifications where the applicant is adding programs without significant technical or business process changes to the previously approved Cross-Media Electronic Reporting Regulation application.
- d. Regional administrators or their designees must obtain concurrence from the general counsel and the assistant administrators for OW, OEI and OECA or their designees before making a final determination with respect to an authorized public-water-system program, with the following exceptions noted unless an opportunity is requested by an affected Technical Review Committee representative or Cross-Media Electronic Reporting Regulation concurrens:
 1. All authorized program applications using off-the-shelf systems and determined by the Cross-Media Electronic Reporting Regulation Technical Review Committee not to need a Cross-Media Electronic Reporting Regulation system checklist;
 2. All authorized program applications using off-the-shelf systems where the applicant has used the agency provided Cross-Media Electronic Reporting Regulation system checklist template without modifications beyond a typical implementation for the system in question; or
 3. All authorized program application modifications where the applicant is adding its public-water-system program without other significant technical or business process changes to the previously approved Cross-Media Electronic Reporting Regulation application.

OGC or OEI may waive the opportunity to concur or non-concur on any public-water-system program application.

- e. Regional administrators must notify the assistant administrators for OW and OEI and provide them with the record of any public hearing held pursuant to the authorities in 40 CFR Section 3.1000(f).

4. REDELEGATION AUTHORITY.

- a. An official who redelegates authority is not divested of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.
- b. The authorities delegated to the assistant administrator for OEI may be redelegated to the director for the Office of Information Collection. The authorities delegated to the assistant administrator for OEI may be redelegated to the office-director or division-director levels.
- c. The authorities delegated to the assistant administrators and the regional administrators, with respect to paragraphs 3.b, 3.c and 3.d of the delegation, may be redelegated to the office-director or division-director levels.
- d. The authorities delegated to the regional administrators with respect to paragraph 3.e of the delegation may not be redelegated.

5. ADDITIONAL REFERENCES.

40 CFR Part 3; Delegation of Authority 9-4. Determination of State Primary Enforcement Responsibility: Public Water Systems.